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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/923,319	08/08/2001	Paul Leitner-Wise	LWC-100	1964

7590 11/29/2002

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EXAMINER
JONES, JUDSON

ART UNIT	PAPER NUMBER
2834	

DATE MAILED: 11/29/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/923,319	LEITNER-WISE ET AL.	
	Examiner	Art Unit	
	Judson H Jones	2834	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____ .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-16* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-8 and 12-16* is/are rejected.

7)☒ Claim(s) *9-11* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Specification

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The abstract is objected to because the words "means" appears in the third line.

Correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later

invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-6 and 12-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weisman et al. in view of Konotchick. Weisman et al. discloses an apparatus for generating electrical energy comprising an elongated conduit 30, a plurality of coils 42, a magnetic element 24 and means to propel the magnetic element as described in column 1 lines 41-49, thereby inducing electrical current. Weisman et al. does not disclose the plurality of wires spaced along the length of the conduit because Weisman et al. is only concerned with a pulse of energy with enough voltage and current to detonate blasting caps. However detonating blasting caps isn't the only need for electricity in places where power lines are not readily available. Konotchick teaches the need of electricity for light, for alarm systems and for communication devices in column 1 lines 35-39 and shows coils spaced along the length of a conduit in figure 1. Since Weisman et al. and Konotchick are both from the same field of endeavor, it would have been obvious at the time the invention was made for one of ordinary skill in the art to have utilized a plurality of wires spaced along the length of a conduit in order to get more power from a moving magnet.

In regard to claim 2, see Konotchick column 8 lines 1-4.

In regard to claim 3, see Konotchick column 2 lines 26-31 and Weisman et al. column 2 lines 59-64.

In regard to claim 4, see Konotchick column 3 lines 6-14.

In regard to claims 5 and 14-16, see Weisman et al. column 1 lines 43-46.

In regard to claim 6, see Weisman et al. figure 6.

In regard to claim 13, see Konotchick et al. figure 1, elements 5 and 6.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Weisman et al. as modified by Konotchick as applied to claim 6 above, and further in view of Sullivan. Weisman et al. as modified by Konotchick discloses the apparatus for generating electricity but does not disclose details of loading and firing a cartridge. Weisman et al. attaches a short generator piece to the barrel of an existing firearm such as an M1 and therefore how a firearm loads and fires a cartridge is not part of his invention. However Sullivan discloses an M1 rifle having a barrel 10 (a conduit), a receiver 102 for the cartridge as described in column 6 lines 4-10, a loading means as described in column 6 line 49 to column 7 line 67 and a firing means as described in column 7 lines 20-32. Since Sullivan and Weisman et al. as modified by Konotchick are both from the same field of endeavor, it would have been obvious at the time the invention was made for one of ordinary skill in the art to have utilized the loading and firing means of Davis because Weisman et al. provides no loading and firing details. In regard to the conduit claimed, Weisman et al. actually discloses two conduits, the first being the barrel of the rifle 20 and the second being the conduit 30 that is designed for the production of electricity. Making the two conduits integral instead of separable is not viewed as being a patentable advance. See *In re Lockhart*, 90 USPQ 214 (CCPA 1951), which states, "Although it is true that invention may be present under some circumstances in making integral that which was separable before, we do not feel that such is the case here. Improved results only will not take the case out of the general rule. There is also a requirement that the unification or integration involve more that mere mechanical skill." In Weisman et al. the conduits are two separate pieces because the generator of Weisman et al. is being retrofitted onto an existing firearm. If one were to have made a device solely for the

production of energy, it would have been obvious at the time the invention was made for one of ordinary skill in the art to have made the conduit integral.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Weisman et al. as modified by Konotchick and Davis as applied to claim 7 above, and further in view of Duer. Weisman et al. as modified by Konotchick and Davis discloses the apparatus for generating electrical energy but does not disclose means for slowing and capturing the magnetic element. However Duer teaches recovering bullets for reuse. Since Duer and Weisman et al. as modified by Konotchick and Davis are both from the same field of endeavor, it would have been obvious at the time the invention was made for one of ordinary skill in the art to have utilized a bullet trap in the device of Weisman et al. as modified by Konotchick and Davis in order to reduce the cost of generating electricity by reusing the magnetic projectiles.

Allowable Subject Matter

Claims 9-11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: The prior art of record does not disclose or teach an electricity generating apparatus having curved conduit describing a circle with a gas inlet and a gas outlet as recited in claim 9.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. DeLerno 5,650,681 discloses a circular conduit with inlets as described in column 7 lines 4-7 but these inlets are for liquid nitrogen, not gas. Stauder et al. and LaRocca both disclose

explosively driven power supplies. Brede et al. discloses a electromagnetic generator for projectiles.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Judson H Jones whose telephone number is 703-308-0115. The examiner can normally be reached on 8-4:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nestor Ramirez can be reached on 703-308-1371. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-3431 for regular communications and 703-305-3432 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

JHJ JHJ
November 26, 2002

Judson Jones
art unit 2834